

Charles R. Virginia, Esq. (CV 8214)  
**BARNES, IACCARINO, VIRGINIA,  
AMBINDER & SHEPHERD, PLLC**  
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*Attorneys for Plaintiffs*

RECEIVED

DEC 15 2008  
AT 8:30  
WILLIAM T. WALSH  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

PAT ANGELO, JOSEPH DEVITA, ROBERT GARIEPY, JOSEPH PUZIO III, JOHN F. CAPO, STEPHEN DOHERTY, WILLIAM DERENZIS, JEFFREY DUFFY, as Trustees of the B.A.C. LOCAL 4 PENSION AND ANNUITY FUNDS, MICHAEL PETERSON, RUDOLPH RICCIARDI, ROBERT EPIFANO, JOSEPH SPERANZA, JR., MICHAEL SCHMERBECK, JACK KOCSIS, KENNETH SIMONE, JOHN F. CAPO, STEVE DOHERTY, DONALD ENGELHARDT, DIETER RUACH, RICHARD TOLSON, as Trustees of the NEW JERSEY B.A.C. HEALTH FUND, ROBERT GARIEPY, JAMES R. PRISCO, JR., RUDOLPH RICCIARDI, JOSEPH SPERANZA, JR., JOHN F. CAPO, JEFFREY DUFFY, DONALD ENGELHARDT AND LEON JONES, JR., as Trustees of the NEW JERSEY BM&P APPRENTICE AND EDUCATION FUND, JOHN J. FLYNN, KENNETH LAMBERT, JAMES BOLAND, GERALD O'MALLEY, H. JOSEPH BRAMLETT, PAUL SONGER, CHARLES VELARDO, EUGENE GEORGE, MATTHEW AQUILINE, GERARD SCARANO, MICHAEL SCHMERBECK, BEN CAPP, GREGORY HESS and VINCENT DELAZZERO, as Trustees of the BRICKLAYERS & TROWEL TRADES INTERNATIONAL PENSION FUND, and JIM ALLEN, MATTHEW AQUILINE, LON BEST, JAMES BOLAND, TED CHAMP, RAYMOND CHAPMAN, VINCENT DELAZZERO, BRUCE DEXTER, JOHN FLYNN, EUGENE GEORGE, GREGORY HESS, FRED KINATEDER, DAN KWIATKOWSKI, KEN LAMBERT, SANTO LANZAFAME, DICK LAUBER, WILLIAM MCCONNELL, EDWARD NAVARRO, GERALD O'MALLEY, JOHN PHILLIPS, CHARLES RASO, MARK ROSE, KEVIN RYAN, GERARD SCARANO, MICHAEL SCHMERBECK, PAUL SONGER, JOSEPH SPERANZA, and FRED VAUTOR, as Trustees of, and on behalf of, the INTERNATIONAL MASONRY INSTITUTE, and JOHN F. CAPO, as Business Manager of B.A.C. LOCAL NO. 4 NEW JERSEY,

Plaintiffs,

-against-

PMC CONSTRUCTION CO. LLC,

Defendant.

07 CV 3424(AET)  
(JJH)

**CONSENT  
JUDGMENT**

In accordance with the attached Settlement Agreement, the terms of which are incorporated herein by reference, the Court hereby enters Judgment as follows:

1. Judgment is entered in favor of Plaintiffs Pat Angelo, Joseph DeVita, Robert Gariepy, Joseph Puzio III, John F. Capo, Stephen Doherty, William Derenzis, Jeffrey Duffy, as Trustees of the B.A.C. Local 4 Pension and Annuity Funds, Michael Peterson, Rudolph Ricciardi, Robert Epifano, Joseph Speranza, Jr., Michael Schmerbeck, Jack Kocsis, Kenneth Simone, John F. Capo, Steve Doherty, Donald Engelhardt, Dieter Ruach, Richard Tolson, as Trustees of the New Jersey B.A.C. Health Fund, Robert Gariepy, James R. Prisco, Jr., Rudolph Ricciardi, Joseph Speranza, Jr., John F. Capo, Jeffrey Duffy, Donald Engelhardt and Leon Jones, Jr., as Trustees of the New Jersey BM&P Apprentice and Education Fund, and John J. Flynn, Kenneth Lambert, James Boland, Gerald O'Malley, Joseph Bramlett, Paul Songer, Charles Velardo, Eugene George, Matthew Aquiline, Gerald Scarano, Michael Schmerbeck, Ben Capp, Gregory Hess and Vincent Delazzero, as Trustees of the Bricklayers & Trowel Trades International Pension, Health and Annuity Funds, and John F. Capo, as Business Manager of B.A.C. Local No. 4 New Jersey and against Defendant PMC Contracting, LLC, s/h/a PMC Construction Co.,LL C,in the amount of \$31,094.14.

2. Defendant shall pay Plaintiffs this Judgment in the amount of \$31,094.14 in accordance with the terms and conditions of the Settlement Agreement.

3. Defendant having breached the attached Settlement Agreement, Plaintiffs will file this Consent Judgment with the United States District Court for the District of New Jersey. The amount of the judgment shall equal \$31,094.14.

4. Upon the filing of this Consent Judgment, Plaintiffs will be entitled to enforce this Consent Judgment with respect to such remaining balance by all means permitted by law.

5. Jurisdiction is retained solely to assure compliance with the terms of the Consent Judgment and the attached Settlement Agreement.

Dated: \_\_\_\_\_

We Stipulate to and Request Entry  
of this Consent Judgment

Dated: New York, New York  
November \_\_, 2008

*So Ordered*  
*Anne E. Thompson*  
*USDJ*  
*Dec 12, 2008*

**B.A.C. LOCAL 4 PENSION  
AND ANNUITY FUNDS**

By: *John S. Caputo*  
Name: \_\_\_\_\_  
Title: Trustee

**TRUSTEES OF NEW JERSEY B.A.C.  
HEALTH FUND**

By: *John S. Caputo*  
Name: \_\_\_\_\_  
Title: Trustee

**NEW JERSEY BM&P APPRENTICE  
AND EDUCATION FUND**

By: *John S. Caputo*  
Name: \_\_\_\_\_  
Title: Trustee

**TRUSTEES OF THE BRICKLAYERS &  
TROWEL TRADES INTERNATIONAL  
PENSION, HEALTH AND ANNUITY FUNDS**

By: \_\_\_\_\_

Name: David F. Stupar

Title: Executive Director

**B.A.C. A.D.C. NEW JERSEY**

By: \_\_\_\_\_

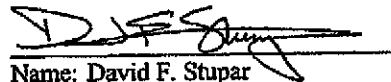
Name:

Title:

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**TRUSTEES OF THE BRICKLAYERS &  
TROWEL TRADES INTERNATIONAL  
PENSION, HEALTH AND ANNUITY FUNDS**

By: \_\_\_\_\_



Name: David F. Stupar

Title: Executive Director

**B.A.C. A.D.C. NEW JERSEY**

By: \_\_\_\_\_


Name: \_\_\_\_\_

Title: \_\_\_\_\_

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PMC CONTRACTING, LLC

By:

  
Name: Eric Palmer  
Title: PRESIDENT

STATE OF NEW JERSEY )  
COUNTY OF \_\_\_\_\_ )ss.:

On the 20th day of November, 2008, before me personally came \_\_\_\_\_ to me known, who, by me duly sworn, did depose and say that deponent has its principal place of business located at \_\_\_\_\_ that deponent is the \_\_\_\_\_ of, the corporation described herein, and which executed the foregoing Consent Judgment on behalf of PMC CONTRACTING, LLC and was authorized to do so, that deponent knows the seal of the corporation, that the seal affixed to the Consent Judgment was affixed by the order of the board of the corporation, and that deponent signed deponent's name by like order.

\_\_\_\_\_  
Notary Public